

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEITH RUSSELL JUDD §
VS. § CIVIL ACTION NO. 1:08cv174
ATTORNEY GENERAL FOR THE STATE §
OF NEW MEXICO

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner Keith Russell Judd, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Petitioner is challenging the validity of a state court criminal conviction from Bernalillo County, New Mexico. Petitioner does not assert that his current federal confinement is unlawful.

Analysis

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its

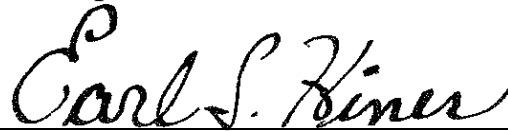
discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted and sentenced in Bernalillo County, New Mexico which is located in the District of New Mexico. While jurisdiction is proper in the Eastern District of Texas because petitioner is currently confined here, the court has considered the circumstances and has determined that the interest of justice would best be served if this petition were transferred to the division in which the petitioner was convicted.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought.

Since petitioner complains of a conviction which occurred in the District of New Mexico and all records and witnesses involving this action may be located in New Mexico, the transfer of this action to such division would further justice. Accordingly, this petition should be transferred to the United States District Court for the District of New Mexico. An Order of Transfer so providing shall be entered in accordance with this Memorandum Opinion.

SIGNED this 3 day of April, 2008.



EARL S. HINES
UNITED STATES MAGISTRATE JUDGE